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RUEHPB/AMEMBASSY PORT MORESBY 4152
RUEHUL/AMEMBASSY SEOUL 5291
RUEHKO/AMEMBASSY TOKYO 2912
RUEHWL/AMEMBASSY WELLINGTON 3391
RUEHBAD/AMCONSUL PERTH 1385
RUEHHK/AMCONSUL HONG KONG 3214
RHHJJPI/USPACOM HONOLULU HI
RUEAIIA/CIA WASHDC
RHEHNSC/NSC WASHDC
RHEFDIA/DIA WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 000009

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, EAP/RSP
NSC FOR E.PHU, DRL, DRL/AWH

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SUBJECT: MUNIR MURDER CASE -- PROSECUTION PLANS TO APPEAL

REF: 08 JAKARTA 02244 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

11. (C) SUMMARY: Prosecutors plan to appeal the recent acquittal of former intelligence official Muchdi Purwoprandjono who was on trial for the 2004 murder of human rights activist Munir Said Thalib. Key witnesses rescinded testimony or did not appear in court and prosecutors plan to make that the basis of their appeal. Human rights activists, angered by the verdict, are urging the GOI to continue to press the case. There seems to be a possibility that the case could eventually be reversed on appeal and Muchdi held to account, but the legal process will take time. END SUMMARY.

NEXT STEPS FOR THE PROSECUTION

12. (U) Despite a recent adverse ruling, the Indonesian government will continue to press for accountability in the Munir case. Prosecutors have announced that they plan to appeal the December 31 acquittal of former intelligence official Muchdi Purwoprandjono (see reftel). Muchdi was on trial for conspiracy in the September 2004 murder of human rights activist Munir Said Thalib. A South Jakarta District Court, acting as the court of first instance, found Muchdi "not guilty," asserting that the prosecution had not shown motive or proven that Muchdi had used his position in the Indonesian National Intelligence Agency (BIN) to kill Munir.

13. (U) The Attorney General's Office has stated that it will appeal and is now preparing the necessary documentation. In addition, both the independent Judicial Commission and the Human Rights Commission have announced that they plan to review the December 31 verdict. Members of both commissions have expressed deep concerns about how the court handled the case.

14. (U) In the meantime, Pollycarpus Priyanto--who was convicted and sentenced to 20 years in prison for carrying

out the murder--has demanded "a judicial review" of his sentence. Pollycarpus' lawyers say their client--who is now incarcerated--deserves a new trial given that Muchdi was cleared on related charges. It is not clear when the court system might review Pollycarpus' request. His case has already gone through the court system, including the entire appellate process.

BASIS FOR APPEAL

15. (SBU) The clear basis for any appeal of the December 31 ruling is that key testimony was not reviewed by the court. Key witnesses, especially a number of former military and intelligence officers, rescinded testimony or did not appear. For example, an intelligence official working at the Indonesian Embassy in Islamabad initially gave testimony, which was later rescinded. In addition, though this official was called to testify, he refused to appear. Human rights activists assert that all of this was due to "pressure" not to testify (though they have not provided any evidence of this). Activists added that they believe that the court did not adequately question why the witnesses retracted their earlier statements. Prosecutors and activists believe that if all of this evidence is allowed in, the case against Muchdi demands a conviction.

ACTIVISTS ANGERED

16. (C) Activists were deeply angered by the court's ruling. Immediately after the verdict, dozens of activists demonstrated angrily (but peacefully) outside the court and elsewhere in Jakarta. In a January 5 meeting with Pol/C, Djoko Susilo, a member of Parliament and noted human rights

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defender, commented that he was "deeply disturbed at a clear miscarriage of justice" and he hoped that the GOI moved quickly to "right this wrong." Munir's widow, Suciwati, and her lawyer, Usman Hamid, also spoke out publicly, attacking the verdict and demanding full accountability.

IT WILL TAKE TIME

17. (C) Many Indonesians--especially its relatively small clutch of liberal activists--were clearly angered by the ruling. There does seem a possibility that the case could eventually be reversed on appeal and Muchdi held to account, but the legal process will take time. Pollycarpus' case, for example, took several years--and many ups and downs--before he was finally convicted and sent to jail. The GOI seems firmly committed to continuing to press the case, which is a positive sign.

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